



**NATIONAL ARCHIVES OF AUSTRALIA**

Our Ref: 2020/2778

Trav S  
Right to Know  
[foi+request-6562-805ce929@righttoknow.org.au](mailto:foi+request-6562-805ce929@righttoknow.org.au)

Dear Trav S

**YOUR FREEDOM OF INFORMATION REQUEST FOI134**

I refer to your email dated 3 August 2020 seeking access to documents under the *Freedom of Information Act 1982* (the FOI Act). You requested the following documents:

*PM&C requested from Archives a file titled:*

*“Review of Australian Honours and Awards - Response - proposed Humanitarian Overseas Service Medal”.*

*The file was sent to PM&C on 25 October 2019.*

*We seek the documents/email/electronic requests with which PM&C requested the file’s return from Archives.*

**SUMMARY OF DECISION**

The search for documents falling within the scope of your FOI request was conducted by contacting the relevant line areas within the National Archives of Australia (the National Archives).

In the search conducted, the National Archives found 4 documents (set out in the attached schedule) that fall within scope of your request.

With regard to those documents, I have decided:

- Document 1 which comprises of the email exchanges: original request, responses to PM&C and internal email exchanges, is released in part.
- Document 2 which is the section 30(2) exemption request from PM&C, is released in part.
- Document 3 which is the lending receipt, is released in part.
- Document 4 which is the tracking register for this item, is released in part.



**NATIONAL ARCHIVES OF AUSTRALIA**

## REASONS FOR DECISION

### **Section 47F(1) – Public Interest conditional exemptions – personal privacy**

Section 47F(1) states that ‘a document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person)’.

‘Personal information’ has the same meaning as defined in the *Privacy Act 1988*. It states that personal information is information or opinion of an identified individual, or an individual who is reasonably identifiable.

To assess whether it is unreasonable or not to release personal information, the following is taken into consideration:

- the extent to which the information is well known
- whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document
- the availability of the information from publicly accessible sources
- any other matter the agency or Minister considers relevant.

I have determined that some of the documents contain personal information exempt under section 47F(1). This information comprises contact details and staff names that are generally not publicly available.

### **Public Interest Test**

#### *Personal Privacy – s 47F*

When a document is conditionally exempt, the public interest test must be considered. In favour of promoting the objectives of the FOI Act I have released email addresses that are publicly available. The disclosure of personal information I have exempted would not outweigh the risks of harm to the functions of agencies that could reasonably be expected if the information was released.

## RELEVANT MATERIALS

In reaching my decision I referred to the following:

- the terms of your request;
- the documents relevant to the request;
- the FOI Act; and
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines).



## **NATIONAL ARCHIVES OF AUSTRALIA**

### **CHARGES**

Section 29 of the FOI Act authorises an agency or Minister to impose a charge for providing access to a document.

In this case, it has been decided that charges will not be imposed.

### **DISCLOSURE LOG**

The National Archives will update its Disclosure Log in accordance with its normal administrative practice.

If you have any queries about this notice, please contact me in writing via [foi@naa.gov.au](mailto:foi@naa.gov.au).

Yours Sincerely,

Helen Athanasiadis  
Manager, Integrity (Legal Policy and Compliance)  
1 September 2020



NATIONAL ARCHIVES OF AUSTRALIA

## ATTACHMENT A – SCHEDULE OF DOCUMENTS

Document no.	Date	Size	Description	Decision	Exemption/irrelevant	Comment
1.	25 October 2019	3 emails	Correspondence between PM&C and NAA requesting record.	Partial Release	s 47F(1) – Personal Privacy	
2.	24 October 2019	2 Pages	Section 30(2) exemption request from PM&C to access record.	Partial Release	s 47F(1) – Personal Privacy	
3.	25 October 2019	2 Pages	Record lending receipt to PM&C.	Partial Release	s 47F(1) – Personal Privacy	
4.	25 October 2019	1 Page	Tracking register for record.	Partial Release	s 47F(1) – Personal Privacy	



**NATIONAL ARCHIVES OF AUSTRALIA**

## **ATTACHMENT B – RELEVANT LEGISLATION**

### **Section 47F Public interest conditional exemptions—personal privacy**

#### ***General rule***

- (1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).
- 2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:
  - (a) the extent to which the information is well known;
  - (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
  - (c) the availability of the information from publicly accessible sources;
  - (d) any other matters that the agency or Minister considers relevant.
- (3) Subject to subsection (5), subsection (1) does not have effect in relation to a request by a person for access to a document by reason only of the inclusion in the document of matter relating to that person.





**NATIONAL ARCHIVES OF AUSTRALIA**

## ATTACHMENT C – REVIEW RIGHTS

### **Your rights to seek review of a decision made under the *Freedom of Information Act 1982***

If you do not agree with this decision, you may choose to exercise your review rights in the following ways:

- Request the National Archives of Australia to conduct an internal review of the decision. If you disagree with the National Archives of Australia's internal review decision, you may then apply to the Office of the Australian Information Commissioner (OAIC) for a review of that decision; or
- Apply directly to the Office of the Australian Information Commissioner (OAIC) for a review of the decision. However, we do encourage you to seek internal review as a first step as it may provide a more rapid resolution for your concerns. If you are dissatisfied with the Information Commissioner's decision, you may apply to the Administrative Appeals Tribunal for a review of the Commissioner's decision.

#### **INTERNAL REVIEW OF DECISION BY THE NATIONAL ARCHIVES OF AUSTRALIA (THE ARCHIVES)**

Pursuant to section 54 of the FOI Act, you have the right to apply to the Archives for an internal review of the decision. A different officer from the one who made the original decision will conduct the review. The reviewer will make a fresh decision.

If the decision has been made by the Director-General of the Archives, you do not have the option to request an internal review under the FOI Act. You will need to apply for a review of the decision by the Information Commissioner (see below).

You do not have to complete a special form in order to request an internal review. However, your application for an internal review must be made in writing, and lodged within 30 days after the day on which you are notified of the decision. It is desirable (but not essential) that you outline the reasons why you are dissatisfied with the decision in your application for internal review. There is no cost attached to an application for internal review.

An application for internal review should be directed to:

FOI Coordination Officer  
National Archives of Australia  
PO Box 4924  
Kingston ACT 2604  
Email: [foi@naa.gov.au](mailto:foi@naa.gov.au)  
Fax: 02 6212 3699





## NATIONAL ARCHIVES OF AUSTRALIA

### REVIEW OF DECISION BY THE INFORMATION COMMISSIONER

The Information Commissioner is an independent office holder who is authorised to review decisions of agencies and Ministers made under the FOI Act.

You do not have to request an internal review of a decision made under the FOI Act before making an application for review to the Information Commissioner (but you may do so if you wish).

There is no cost associated with making an application for review by the Information Commissioner.

If you are requesting a review of a decision to refuse access to documents, to impose a charge or to refuse to amend a document, you must make an application in writing, to the Information Commissioner, within 60 days of being notified of the decision.

An application for review by the Information Commissioner can be lodged online, via email, post or in person. An application for review by the Information Commissioner can be submitted by:

Post: Office of the Australian Information Commissioner  
GPO Box 5218  
Sydney NSW 2001

Fax: 02 9284 9666

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

Your application should include a copy of the decision to which your application relates. You should also set out the reasons why you disagree with the decision.

After reviewing a decision, the Information Commissioner must do one of the following:

- set the decision aside and substitute his own decision for that of the decision under review;
- affirm the decision, or
- vary the decision.

Further information about the Information Commissioner's review is available at [www.oaic.gov.au](http://www.oaic.gov.au).





## NATIONAL ARCHIVES OF AUSTRALIA

### REVIEW OF DECISION BY THE ADMINISTRATIVE APPEALS TRIBUNAL (AAT)

The AAT is an independent body authorised to review certain decisions on their merits and, where the AAT decides it is appropriate, to substitute its own decision for that of the decision under review.

If you are not satisfied with the decision of the Information Commissioner, you are entitled to make an application to the AAT for a review of that decision. An application for review must be in writing and lodged within 28 days of being notified of the Commissioner's decision. If you have good reason for not meeting this timeframe, you can write to the AAT and request an extension of time in which to lodge your application. Your request for an extension should set out the reasons why the application was not made within the 28 day period.

An application fee may apply if you are requesting a review of a FOI decision as listed in section 22 of the [Administrative Appeals Tribunal Regulation 2015](#). Further information is available from the AAT's website [www.aat.gov.au](http://www.aat.gov.au).

An application to the AAT for a review of the Information Commissioner's decision can be made using an online form available from the AAT's website <http://www.aat.gov.au/applying-for-a-review> or should be directed to:

Administrative Appeals Tribunal  
GPO Box 9955  
(in your capital city)

#### FURTHER QUESTIONS

If you have any questions about your review rights, please contact FOI Coordination Officer at [foi@naa.gov.au](mailto:foi@naa.gov.au).

